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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/686,147

10/14/2003

Dan DeLessert

PI-30075

6211

7590 08/23/2007
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EXAMINER

HAMMOND, BRIGGITTE R

ART UNIT	PAPER NUMBER
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2833

MAIL DATE	DELIVERY MODE
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08/23/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

34

Office Action Summary	Application No. 10/686,147	Applicant(s) DELESSERT ET AL.	
	Examiner Brigitte R. Hammond	Art Unit 2833	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 12 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11, 13-26 and 28-36 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 1-11, 13-20 and 30-36 is/are allowed.
- 6) ☐ Claim(s) 21-26, 28 and 29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>7/12/07</u> . | 6) <input type="checkbox"/> Other: _____ |

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on July 21, 2001 has been entered.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 21-26, 28 and 29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 21, "including a cylindrical sleeve encompassing the flange and the electrical component" is unclear and lacks proper antecedence. Correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

As best understood, claims 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hadwin et al. 4,739,259 in view of Baur et al. 5,046,968. Regarding claim 21, Hadwin et al. disclose an electrical probe 12 comprising: a conductive sleeve 44 defining a bore; a probe pin received in the bore; the probe pin having a free end contact tip 30 extending in a first direction; the probe pin being biased (spring loaded) in the first direction. Hadwin et al. do not disclose the probe pin including a capacitor. However, Baur et al. discloses a connector having pins, wherein each pin includes an electrical component 32 (diode, resistor, capacitor or the like). It would have been obvious to one of ordinary skill to modify the connector of Hadwin by providing each pin with a capacitor to guard against over voltages etc. as taught by Baur.

Regarding claim 22, the probe pin includes a resistor having substantially greater resistance than the pin (col. 2, lines 60-65).

Regarding claim 23, the capacitor is connected in parallel with the resistor.

Claims 24,25,28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hadwin et al. and Baur et al. as disclosed above and further in view of Bender et al. Hadwin et al. and Baur et al. disclose the invention substantially as claimed. Neither Hadwin et al. nor Baur et al. disclose the electrical component being connected between the first and second portions. However, Bender et al. discloses a probe 10 having electrical components (col. 2, lines 50-58) serially intervening between a first portion 16 and a second portion 21 of a pin. Therefore, it would have been obvious to one of ordinary skill to modify the probe pin of Calma et al. by providing an

electrical component between first and second portions of the pin as taught by Bender et al. to minimize stray capacitance effects.

Regarding claim 25, Bender et al. discloses first and second portions electrically isolated by insulator 22. Therefore, it would have been obvious to one of ordinary skill to modify the probe of Hadwin et al. by providing the first and second portions with an insulator for electrical insulation as taught by Bender et al.

Regarding claims 28 and 29, Hadwin and Bender et al. disclose the invention substantially as claimed except for the second portion of the pin having a length less than double its diameter or less than 0.50 inch. However, it would have been obvious to one of ordinary skill to modify the probe pin of Hadwin by providing the second portion of the pin having a length less than double its diameter or less than 0.50 inch or any other size for design specifics for a client, *since it has been held that the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. In re Aller, 105 USPQ 233.*

Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hadwin et al., Baur et al. and Bender et al. as applied to claim 24 above, and further in view of Calma et al. Hadwin et al. Baur et al. nor Bender et al. disclose the first and second portions each having a flange. However, Calma et al. disclose a probe pin with first and second portions 19,22 each having a flange (not numbered, see fig.2, area between 18 and 19' and area between 11 and 22), the flanges being spaced apart and connected (electrically) to the electrical component 8. Therefore, it would have

been obvious to one of ordinary skill to modify the probe of Hadwin et al. and Bender et al.

Allowable Subject Matter

Claims 1-11,13-21 and 30-32 are allowed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brigitte R. Hammond whose telephone number is 571-272-2006. The examiner can normally be reached on Mon.-Thurs. and Alternate Fridays from 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A. Bradley can be reached on 571-272-2800 ext. 33. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


BRIGGITTE HAMMOND
PRIMARY EXAMINER